



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/220,293	12/23/1998	WILLIAM J. BAER	CA1028	3693

7590 03/26/2002

SUGHRUE MION ZINN MACPEAK AND SEAS
1010 EL CAMINO REAL SUITE 360
MENLO PARK, CA 94025

[REDACTED] EXAMINER

VEILLARD, JACQUES

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2175

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 14

Application Number: 09/220,293

Filing Date: 12/23/1998

Appellant(s): William j. Baer et al.

MAILED

MAR 25 2002

Technology Center 2100

Frank L. Bernstein
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 12/31/2001.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

Art Unit: 2175

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is not correct because the Examiner does not read(transferring) data as equal to read or write data which are database operations.

(6) *Issues*

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows: The "read-write capability features" that the appellant relies on are not recited in the instant independent claim.

(7) *Grouping of Claims*

The rejection of claims 1-6, and 9; 7- 8 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CAR 1.192(c)(7).

Art Unit: 2175

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,857,197	Mullins	1-1999
6,006,230	Ludwig	12-1999

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 of this title before the invention thereof by the applicant for patent.

2. Claims 1- 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Mullins (U. S. Patent 5,857,197).

Art Unit: 2175

As per claim 1, Mullins disclosed a similar flexibly adaptable asset management system for deploying asset management functions to a client application for manipulating assets (See Fig.1, col.1, lines 5 -11, representing data, in a data store, and for dynamically customizing and extending interface functions (See col.3, line 65 to col.4, line 3). The system as taught by Mullins comprises: an asset manager server (See Fig.1, elements 200-206 and 600) disposed between the client application (See Fig.1, element 101) and the data store (See Fig.1, elements 201, 302, 312, and 322), the asset manager server including: at least one client adapter (See Fig.1, elements 400, 500, 600) for providing the interface functions between the client application (See Fig.1, element 101) and the asset manager server (See Fig.1, elements 200-206 and 600); and at least one schema adapter (See Fig.1, element 203) for mapping the assets to the data, Mullins achieves the mapping operation by showing that one of the schema adapter in communication with the metadata (201) which serves as a map for operation available on the data store (s) 302 (312) (See col 3, lines 19-25, col 5, lines 27-30) stored in the data store (See Fig.1, elements 302, 312, and 322) and for transferring the data to and from the data store in response to methods invoked in the at least one client adapter of the client application (See col 3, lines 1 - 7 and col.4, lines 49 - 61), wherein, the at least one client adapter (See Fig.1, elements 400, 500, 600) is flexibly adaptable (See col 8, lines 1 - 36), thereby allowing the system to do one or more of handle different asset types and handle additional client applications (See col 7, lines 11 - 22).

Art Unit: 2175

As per claim 2, Mullins discloses the claimed invention limitations, wherein the at least one schema adapter is specific to a particular one of the assets, an asset being meta data for a particular data type (See col.3, lines 30 - 34).

As per claim 3, Mullins discloses the claimed invention limitations, wherein the asset manager server further includes: at least one object oriented class (See col.8, lines 18- 36) wherein an instance of the object oriented class encapsulates the data and associated behaviors for transferring between the at least one schema adapter (See Fig.1, element 203) and the client application (See Fig. 1, element 101) through the at least one client adapter (See Fig.1, elements 400, 500 and 600)

As per claim 4, Mullins discloses the claimed invention limitations, further comprising external services for providing a link between the at least one schema adapter and the data store (See col.4, lines 49 - 58).

As per claim 5, Mullins discloses the claimed invention limitations, wherein the at least one schema adapter registers with the asset manager server by identifying ones of the at least one client adapter (See Fig.1, elements 400, 500 and 600) support by the at least one schema adapter

Art Unit: 2175

(See Fig.1, element 203), wherein the at least schema adapter implements the interface functions defined in the supported client adapter (See col.8, lines 30- 36).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 - 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullins (U. S. Patent 5,857,197) in view of Ludwig et al.(U. S. Patent 6,006,230 and hereinafter Ludwig).

As per claim 6, Mullins teaches a flexibly adaptable asset management system and method for accessing data stores as objects, effecting a consistent interface to the data stores regardless of its underlying structure (See Abstract, lines 1-6).

Mullins does not explicitly teach the system, wherein each of the at least one client adapter is identified by a unique identifier.

Ludwig teaches a database client/server development system providing support for remote sessions with user-created application and executing objects across multiple tiers

Art Unit: 2175

includes the limitations, wherein each of the at least one client adapter is identified by a unique identifier (See col.7, lines 59 - 61).

It would have been obvious to one of ordinary skill in the database art, at the time of the claimed invention, to use the method as taught by Ludwig in the Mullins database system because the Ludwig method provides a mechanism for manipulating assets data by using a unique identifier from database server table, wherein the client(s) has the ability to insert or add new rows of data records into the table and, can also modify and/or delete existing record in the table.

As per claim 7, Mullins and Ludwig, as modified, teach the claimed invention, wherein the at least one schema adapter supports an asset type, identified by a unique identifier, which is associated with the particular one of the asset and corresponds to a file type (See col.7, lines 54 - 61, Ludwig).

As per claim 8, the combination system of Mullins and Ludwig, as modified, teaches the claimed invention, wherein the at least one schema adapter supports multiple asset types, each of the asset types being identified by a unique identifier (See col.11, lines 51 - 59, Ludwig).

Art Unit: 2175

As per claim 9, the combination system of Mullins and Ludwig, as modified ,teaches the claimed invention, further comprising implementing a parser for extracting properties and associated values from files stored in the data store (See col. 8, lines 1 - 12, Ludwig).

(11) *Response to Argument*

The Examiner will address the issues raised by the appellant.

In order for one of ordinary skill in the art to capture the essence of the invention as broadly claimed, a great deal of explanation should be provided to the ordinary skilled artisan, as the appellant has attempted to do in the present appeal brief, for it is clear that the claims are NOT SELF SUFFICIENT. The Examiner kindly points out that claims 1-5 as broadly written, are anticipated in light of the teachings of Mullins and in compliance with the requirements of 35 U.S.C.102; dependent claims 6-9 are rendered obvious in light of the teachings of Mullins and Ludwig in compliance with the requirements of 35 U.S.C. 103.

Appellant's argues on pages 5 and 6 that the cited reference (mainly Mullins) does not teach a system with "*read-write*" capability as recited in claim 1, but teaches only "reading data from a data store", not "*writing data to the data store*". The Examiner respectfully disagrees. Mullins specifically details that "the adapter abstraction layer (600), and more specifically the first adapter (400), communicates with a server process, more specifically the second adapter (500), in communication with the underlying data store (302), which transfer the request data store content (304) to and from the first adapter(400) in communication with

Art Unit: 2175

object (101) client" (See col 4, lines 52-58, Mullins). Since there is no mention of read-write capability in the instant claim 1, it is not clear how the appellant interprets "transferring data to a data store" as "writing data to a data store". Also, in response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which appellant relies (i.e. *writing data to a data store*,) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellant's argues on page 7 that "Mullins names what is communicated from the first adapter to the second adapter as *data* is basically a command or a query, dramatically distinguished from *data* as described in the present application which consists of relational data, files, references to files from indexing engines, or any other combination of data types." The Examiner respectfully disagrees. Mullins discloses a system for accessing a data store as non-objects (e.g. relational). The accessed data could be either an object data store or a non-object (e.g. relational) data store such as file or reference to files (See Abstract, lines 1-3 and col 2, line 67 to col 3, line 1). Further, the features consisting of relational data, files, references to files

Art Unit: 2175

from indexing engines, or any other combination of data types are absent in the instant independent claim. Appellant is further reminded that the features upon which he relies (i.e. *relational data, files, references to files from indexing engines, or any other combination of data types*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellant's argues that the data taught by the cited reference (mainly Mullins) "provides *read-only* data store over the Internet." The Examiner respectfully disagrees. Mullins teaches different embodiments and the "*read-only* data store over the Internet" is one of Mullins's embodiment. In addition, Mullins teaches a system wherein the object schema manager *reads, writes and updates* the metadata (See col 5, lines 17-19).

Appellant submits that the Mullins description on which the Examiner relies is not enabling. The Examiner respectfully disagrees with the preceding statement and notes that US Patent are assumed valid and enabled.

Appellant's argues that the cited reference Ludwig does not teach identification of a client adapter by a unique identifier. The Examiner respectfully disagrees. Ludwig teaches a database application system in which the database server stores particular data records wherein

Art Unit: 2175

unique identifiers are used to actual storage to identify each record in the database file (See col 7, lines 60-61).

The appellant admits that Mullins at least teaches read only data. The combination of Ludwig and Mullins is therefore able to read the data. However, the appellant does not explicitly claim the writing of data. The examiner contains that the combination would read the data because a read operation requires that a record be uniquely identified.

For the above reasons, it is believed that the rejections should be sustained.

An appeal conference was conducted with Frantz Coby and Safet Metjahic on Thursday March 14, 2002.

Frantz Coby 

primary Examiner, TC 2100


Safet Metjahic

SPE, 2100

Respectfully submitted,

Art Unit: 2175

A handwritten signature in black ink, appearing to read "Jacques Veillard". The signature is fluid and cursive, with "Jacques" on the first line and "Veillard" on the second line.

Jacques Veillard

March 18, 2002

Frank L. Bernstein
SUGHRUE MION, PLLC
1010 EL Camino Real, Suite
Menlo Park, CA 94025